



City Council Agenda

Council President
Henry Perea

Councilmembers

Tom Boyajian
Brian Calhoun
Brad Castillo, Acting President

Jerry Duncan
Sal Quintero
Daniel Ronquillo

City Manager
Daniel G. Hobbs

City Clerk
Rebecca E. Klisch , CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 498-1321

The City Council welcomes you to this meeting.

TUESDAY, JUNE 25, 2002

IF YOU WOULD LIKE TO SPEAK, FILL OUT A SPEAKER REQUEST FORM AVAILABLE FROM THE CITY CLERK'S OFFICE AND IN THE COUNCIL CHAMBERS. THE AGENDA IS AVAILABLE ON (www.fresno.gov) THE COUNCIL MEETING CAN ALSO BE HEARD LIVE AT THE SAME WEB SITE ADDRESS.

8:30 A.M. ROLL CALL

Invocation by Reverend Charles Martin of the Greater Faith Missionary Baptist Church

Pledge of Allegiance

Presentation of Latent Print Awards

Proclamation of "MIKE'S PIZZERIA DAY" - Councilmember Boyajian

Resolution of Commendation to Fire Captain Donald A. Ockey, Fire Captain Steve Rauch, Firefighter Specialist Adriane R. Blankenship, and Firefighter Timothy J. Saito - Councilmember Ronquillo

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of June 18, 2002

Action Taken:

Approve Agenda

Action Taken:

A. HEARING to consider matters relating to the potential acquisition and disposition of a site, generally bound by Tuolumne, Broadway, and "H" Streets and the Merced Mall (Central Business District Redevelopment Project Area) and its development with an approximately 180,000 square-foot multi-level office building and associated parking structure, by taking the following actions:

1. **JOINT RESOLUTION** - (a) Approving a Disposition and Development Agreement between the Redevelopment Agency and the developer selected by the United States General Services Administration; and (b) making certain findings, including environmental findings and findings pursuant to Health & Safety Code Section 33433 (*Agency and Council Action*)

Action Taken:

2. **RESOLUTION** - Approving the conveyance of City-owned parcels (Assessor Parcel Numbers 466-206-18T, 20T & 21T), by grant deed(s), to the Agency pursuant to Health & Safety Code Section 33220(a), (*Council Action*)

Action Taken:

3. **RESOLUTION** - Authorizing the Agency to accept the City Grant Deed(s) conveying to the Agency all right, title and interest in and to parcels of property bounded by Tuolumne, Merced and "H" Streets and the Broadway Plaza within the Central Business District Redevelopment Project Area, of the City-owned parcels (Assessor Parcel Numbers 466-206-18T, 20T & 21T) (*Agency Action*)

Action Taken:

4. Approve an indemnity agreement between the Redevelopment Agency and Fidelity National Title Company regarding title insurance and title to certain site parcels (*Agency Action*)

Action Taken:

5. Authorize the City Manager or his designee, the Executive Director or his designee, and the Redevelopment Administrator to take certain actions and to execute such documents including, without limitation, negotiating and executing any agreements and instruments that may be necessary to finalize or carry out the intents and purposes of the Agency Board and/or City Council- (*Agency and Council Action*)

Action Taken:

B. RESOLUTION of Intention to vacate Broadway Plaza, the Broadway Diagonal, the Broadway - "H" Alley, and the Broadway Diagonal Reversal in the area bounded by "H" Street, Merced Street, Fulton Street, and Tuolumne Street - (*Property located in District 3*) Public Works Department (*Council Action*)

Action Taken:

JOINT MEETING WITH THE REDEVELOPMENT AGENCY - CONTINUED

- C. Wyndham Hotel: Status report and request for direction regarding an extension/standstill agreement with Algen Hotel Development, LLC.

RECESS AGENCY TO 2:00 P.M.

COUNCIL ACTION ON UNSCHEDULED ITEMS, IF ANY, SHALL BE LIMITED TO REFERRING THE ITEM TO STAFF FOR A REPORT AND POSSIBLE SCHEDULING ON A FUTURE COUNCIL AGENDA. FOR EACH MATTER CONSIDERED BY THE COUNCIL, THERE WILL FIRST BE A STAFF PRESENTATION, FOLLOWED BY A PRESENTATION FROM THE PROJECT APPLICANT. TESTIMONY FROM THOSE IN ATTENDANCE WILL THEN BE TAKEN. ALL TESTIMONY GIVEN WILL BE LIMITED TO THREE MINUTES PER PERSON.

THE THREE LIGHTS ON THE PODIUM NEXT TO THE MICROPHONE WILL INDICATE THE AMOUNT OF TIME REMAINING FOR THE SPEAKER. THE GREEN LIGHT WILL BE TURNED ON WHEN THE SPEAKER BEGINS. THE YELLOW LIGHT WILL COME ON WITH ONE MINUTE REMAINING AND ONE TONE WILL SOUND. THE SPEAKER SHOULD BE COMPLETING THE TESTIMONY BY THE TIME THE RED LIGHT COMES ON AND TWO TONES SOUND, INDICATING THAT TIME HAS EXPIRED.

Approve Council minutes of June 18, 2002

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS

9:30 A.M. Award contract for the Fresno Yosemite International Airport food and beverage concessions, news/gift/retail concessions; (Request for Proposal released April 16, 2002) - - Transportation Department/Airports

10:00 A.M. **HEARING** regarding: Community Facilities District No. 2, Annexation No. 37 for Tract No. 4903

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax

Action Taken:

- b. **RESOLUTION** - Calling special mail-ballot election

Action Taken:

- c. **RESOLUTION** - Declaring election results

Action Taken:

- d. * **BILL** - Levying a special tax for the property tax year 2002-2003 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 37

Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

10:30 A.M.#1 Direct City staff to evaluate commercial solid waste franchise opportunities - Councilmember Duncan

Action Taken:

10:30 A.M.#2 Direct staff to request bids from private contractors to maintain Selma Layne Park for a period of up to 5 years - Councilmember Duncan

Action Taken:

10:45 A.M. Award a contract for construction of North Avenue trunk sewer, Phases I & 2 - General Services Dept./Public Works Dept.

Action Taken:

2:00 P.M.#1 **JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY**

A. Authorizing investment of monies in the Local Agency Investment Fund and approving promissory note to the City of Fresno (**Board Action**)

Action Taken:

1. RESOLUTION - Approving promissory note to the City of Fresno (**Board Action**)

Action Taken:

2. RESOLUTION - Approving the acceptance of a promissory note from the Fresno Joint Powers Financing Authority (**City Action**)

Action Taken:

ADJOURN BOARD

2:00 P.M.#2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY - CONTINUED**

A. Consider approval of a Pocket Park Demonstration Project in the Southwest Fresno Redevelopment Project Area and approval of an Appropriation Transfer Resolution to transfer the funds from the Parks and Recreation Department FY02 Contingency line item to the Parks and Recreation Department Special Projects line item (**Council and Agency Action**)

1. * RESOLUTION - 109th amendment to AAR No. 2002-200 appropriating \$100,000 to fund the Pocket Park Demonstration Project (**Requires 5 Affirmative Votes**) - (**Council Action**)

Action Taken:

ADJOURN AGENCY

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
- 1. Case Name:** Kevin Ham v. City of Fresno Civil Service Board; City of Fresno, Real Property in Interest
Action Taken:
 - 1. Case Name:** Victoria Hernandez, et al. v. City of Fresno, et al
Action Taken:
- B. CONFERENCE WITH LABOR NEGOTIATOR** - Government Code Section 54957.6
City Negotiator(s): Andrew T. Souza, Severo Esquivel and Jorge C. Aguiniga
Employee Organization(s):
- 1.** Amalgamated Transit Union, Local 1027 (ATU)
 - 2.** International Union of Operating Engineers, Stationary Engineers Local 39 (Local 39)
Action Taken:
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)
Significant Exposure to Litigation:
- 1.** Patriot Homes Fresno v. City of Fresno; Patriot Homes Fresno II v. City of Fresno
Action Taken:
- 2:30 P.M.** Consider request for approval of the transfer of control of cable television franchise from AT&T Broadband to AT&T/Comcast
Action Taken:
- 1. RESOLUTION** - Of the Council of the City of Fresno, California approving the change of control from AT&T Corp. to AT&T/Comcast (2 Options)
Action Taken:
- 3:10 A.M.** Request report regarding proposed Information Services Department reorganization plan as required by Council and recommended by The Macias Report and ACS report - Councilmember Quintero
Action Taken:

TIME SCHEDULED HEARINGS AND MATTERS CONTINUED

3:30 P.M.#1 Downtown Parking Issues - Public Works

1. * **BILL for introduction** - Amending Fresno Municipal Code Section 10-1404 relating to Parking Meter Zones and Hours of Operations

Action Taken:

2. Authorization to install meters in the Mall Specific Area

Action Taken:

3. * **RESOLUTION** - Adopting Mall Specific (Fulton Mall) and Non-Mall Specific Parking Meter Zone and amendment to Master Fee Schedule Resolution No. 80-420 (MFS) establishing C-1 Parking Meter operational hours, C-2 Parking Garage and lot operational hours, C-3 Parking Garage and lot use for special events, C-4 Parking Meter rates (West Fresno district), C-5 Parking Garage and lot rates, C-6 Parking Garage and lot monthly permit rates, and C-7 Parking Garage and lot validation rates

Action Taken:

4. Response to concerns regarding downtown parking issues

Action Taken:

5. Parking on private lots, improved and unimproved, and status of enforcement

Action Taken:

3:30 PM#2 RESOLUTION - Authorizing the purchase of POM brand electronic parking meters and conversion kits by the Streets Maintenance Division without advertised competitive bidding under the sole source exception

Action Taken:

1. GENERAL CONSENT CALENDAR

(ALL CONSENT CALENDAR ITEMS ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS REQUESTED, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT CALENDAR AND CONSIDERED AT 2:15 P.M.)

- A. Reject all bids for rehabilitation of wastewater collection system by method of C-I-P pipe (South Chestnut Avenue trunk) (Bid File 2275-10389)- General Services Dept., Purchasing/Fleet

Action Taken:

- B. Award a contract for solid waste magnets, (Bid File No. 2311) - General Services, Purchasing/Public Utilities, Solid Waste.

Action Taken:

1. **GENERAL CONSENT CALENDAR - CONTINUED**

- C. Approve replacement of three previously submitted developable sites with two newly reconfigured developable sites with two newly reconfigured developable sites for designation under Round III of the Federal Empowerment Zone Program; authorize the City Manager to sign all implementation documents as required by the U.S. Department of Housing and Urban Development (HUD) on behalf of the City of Fresno, and a third developable site will be brought back to the Council for review in the near future - Housing, Economic and Community Development Dept.

Action Taken:

- D. Approve agreement for armored transport services and authorization for the Controller to execute the agreement - Finance Department

Action Taken:

1. **RESOLUTION** - Authorizing the Controller to execute a contract for armored car services with Loomis, Fargo & Co.

Action Taken:

- E. * **RESOLUTION** - Concerning Local Transportation Purpose funds - "Measure "C"- Finance Department

Action Taken:

- F. **RESOLUTION** -Approving submission of an application to the U.S. Department of Justice Office of Community Oriented Policing Services (COPS) for the COPS technology initiative computer upgrade and specific project grants and authorizing the execution of any related documents - Police Department

Action Taken:

- G. **RESOLUTION** - Approving Final Map of Tract No. 5051, and accepting dedicated public uses therein, a 90-lot single-family residential subdivision located on the west side of N. Polk Avenue between W. Olive and W. McKinley Avenues (*Property located in District 3*) - Development Dept.

Action Taken:

1. * **RESOLUTION** -106th amendment to AAR No. 2001-200 appropriating \$55,500 for right-of-way purchase on Tract No. 5051 (W. Floradora and N. Polk Avenue) (*Requires 5 affirmative votes*)

Action Taken:

- H. **RESOLUTION** - Dedicating certain City-owned property for public street purposes - Regional Medical Center Project Area - Public Works Dept.

Action Taken:

- I. Approve acquisition of a street easement from property at 1550 N. Peach Avenue (APN 455-201-30) and land on Peach near Hedges Avenue (APNs 455-271-01S and 455-272-01S) (*Property located in District 4*) - Public Works Dept./Engineering

Action Taken:

1. **GENERAL CONSENT CALENDAR - CONTINUED**

- J. RESOLUTION** - Dedication certain City-owned property for public street purposes, public pedestrian walkway purposes, and sanitary sewer main purposes at the downtown multipurpose stadium (*Property located in District 3*) - Public Works Department
Action Taken:
- K.** Approve grant of temporary construction easement across Sugar Pine Trail at Freeway 41 to CalTrans - Public Works Dept.
Action Taken:
- L.** Approve lease of 1.6 acres of vacant land at Golden State Boulevard and Herndon Avenue to Lisa O. Monaco (*Property located in District 2*) - Public Works Department
Action Taken:
- M.** Approve Amendment to Agreement with Lars Andersen and Associates, Inc., for the Hidalgo Neighborhood Area Phase 3 street improvements generally bounded by First Street, Belmont Avenue, Fisher and Freeway 180, (*Property located in District 7*) - Public Works Department
Action Taken:
- N.** Approve agreement 1135(g) with Fresno Metropolitan Flood Control District (FMFCD) and grant the Public Works Director authority to execute the agreement on behalf of the City - Public Works Dept.
Action Taken:
- O.** Approve extended Maintenance Agreement with Siemens Transportation Systems, Inc., and authorize the Transit General Manager to execute all contract documents on behalf of the City of Fresno - Transportation/FAX
Action Taken:
- P.** Approve Temporary Use Permit Extension No. 1 between City of Fresno - Department of Transportation - Airports and City of Fresno Police Department to occupy portions of the Airports Administration Building - Transportation/Airports, Police Department
Action Taken:
- Q.** Approve appointment of Blanca Pelayo to the Fulton Lowell Specific Plan Implementation Committee - Councilmember Ronquillo
Action Taken:
- R.** Adoption of an amendment to City of Fresno Nondisposal Facility Element - Public Utilities Department
Action Taken:
- S.** Appointment of Mike Savage to Civil Service Board - Mayor Autry
Action Taken:

2. **CONSENT CALENDAR - BILL FOR INTRODUCTION - PINK TABS**

- A. Introduction of Ordinances amending the Fresno Municipal Code clarifying the application of Uniformed Services Employment and Re-employment Rights Act (USERRA) - Retirement Systems

Action Taken:

1. * **BILL for introduction** - Amending Section 2-1703.1 of the Fresno Municipal Code clarifying the status of individuals returning from military service and resuming membership in the Fire and Police Retirement System - Retirement Systems

Action Taken:

2. * **BILL for introduction** - Amending Section 2-1804 of the Fresno Municipal Code clarifying the status of individuals returning from military service and resuming membership in the Employees Retirement System - Retirement Systems

Action Taken:

3. **GENERAL ADMINISTRATION**

- A. Update on Urban Growth Management (UGM) Program for fire stations in southeast Fresno

Action Taken:

4. **CITY ATTORNEY**

5. **CITY COUNCIL**

- A. Direct staff to solicit proposals for a Solid Waste Transfer Station with a recommendation to Council within 30 working days - Councilmember Ronquillo/Council President Perea

6. **CITY/COUNTY INTERGOVERNMENTAL RELATIONS**

7. **UNSCHEDULED ORAL COMMUNICATIONS** - You may address the City Council at the conclusion of the Council meeting regarding items that are not listed on the agenda. The policy is to limit your presentation to three (3) minutes pursuant to Ordinance No. 96-67. Please be present at the conclusion of the meeting if you wish to be heard. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least 10 days prior to the desired date of appearance.

SCHEDULED COUNCIL HEARINGS AND MATTERS

July 2 -		COUNCIL VACATION
July 9 -		COUNCIL VACATION
July 16 -	10:00 A.M.	HEARING re: annual levy for Landscaping and Lighting Maintenance District (LLMD)
July 16 -	10:15 A.M.	HEARING re: vacation of Broadway Plaza, the Broadway Diagonal, the Broadway - "H" alley, and the Broadway Diagonal Reversal in the area bounded by "H", Merced, Fulton and Tuolumne Streets - R.I. 1028-D
July 16 -	10:30 A.M.	HEARING re: Rezone Application No. R-02-007, filed by Vendo Company
July 16 -	10:45 A.M.	HEARING re: Rezone Application No. R-02-009, filed by Werner Graf
July 16 -	11:00 A.M.	HEARING regarding Master Fee Schedule Resolution
July 23 -	(Time and duration to be set) Joint Meeting with Madera County Board of Supervisors	
July 23 -	10:00 A.M.	HEARING re Community Facilities District No. 2, Annexation No. 38 for Tract Nos. 5007 and 5081
July 23 -	4:45 P.M.	Discussion and direction regarding implementation and funding of sound walls along State Route 41 between Friant Road and the San Joaquin River - Councilmember Calhoun
July 30 -	8:30 A.M.	JT. HEARING on proposed amendment to Roeding Business Park Plan
Aug. 6 -		COUNCIL VACATION
Aug. 13 -		COUNCIL VACATION

